

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>MIKAYLA CHEYENNE SAVAGE,</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>Civil Action No.: 4:24-cv-00666</b>
	§	
<b>HARRIS COUNTY, TEXAS; SHERIFF ED</b>	§	
<b>GONZALES, in his official capacity;</b>	§	
<b>DETENTION OFFICER ARNOLDO</b>	§	
<b>MARTINEZ, in his individual capacity;</b>	§	
<b>DETENTION OFFICER ANDREW RADA,</b>	§	
<b>in his individual capacity; DETENTION</b>	§	
<b>ADMINISTRATIVE OPERATIONS</b>	§	
<b>OFFICER DANIKA MATHEWS, in her</b>	§	
<b>individual capacity; DETENTION OFFICER</b>	§	
<b>OZALYNN LOZANO, in his individual</b>	§	
<b>capacity; DETENTION OFFICER</b>	§	
<b>TRUCCELL LAGARDE, in her individual</b>	§	
<b>capacity; DETENTION OFFICER TAYLOR</b>	§	
<b>HODGES, in his individual capacity;</b>	§	
<b>DETENTION OFFICER GLORIA</b>	§	
<b>EZEOKKE, in her individual capacity; LAW</b>	§	
<b>ENFORCEMENT OFFICER MICHAEL</b>	§	
<b>THOMAS, in his individual capacity; LAW</b>	§	
<b>ENFORCEMENT OFFICER LAKISHA</b>	§	
<b>CHEATHAM, in her individual capacity;</b>	§	
<b>and DETENTION OFFICER MARILYN</b>	§	
<b>JOHN, her individual capacity</b>	§	
<b>individual capacities.</b>	§	
<b>Defendants.</b>	§	

**DEFENDANT ANDREW RADA’S ANSWER  
TO PLAINTIFF’S SECOND AMENDED COMPLAINT**

Defendant Andrew Rada, file his answer, defenses, and affirmative defenses to Plaintiff’s Second Amended Complaint as follows:

1. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

2. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

3. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

4. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

5. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

6. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

7. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

8. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

9. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

10. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

11. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

12. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

## **JURISDICTION**

13. The allegations in this paragraph of the complaint are conclusions of law and of the pleader, and as such, requires no response. To the extent a response is required, Defendant Rada admits that the statutes cited are jurisdiction conferring statutes, but deny any inference that the Plaintiff's constitutional or common law rights were violated.

14. The allegations in this paragraph of the complaint are conclusions of law and of the pleader, and as such, requires no response. To the extent a response is required, Defendant Rada admits that the statutes cited are jurisdiction conferring statutes, but deny any inference that the Plaintiff's constitutional or common law rights were violated.

15. The allegations in this paragraph of the complaint are conclusions of law and of the pleader, and as such, requires no response. To the extent a response is required, Defendant Rada admit that venue is proper in this Court.

#### **PARTIES**

16. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

17. Defendant Rada admits Harris County is a municipal corporation organized under the laws of Texas and the Harris County Sheriff's Office is a division of Harris County that operates the jail. Defendant Rada admits Sheriff Gonzalez oversees the jail. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, and on that basis, denies the remaining allegations in this paragraph.

18. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph

19. Admit.

20. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth

of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

21. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

22. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

23. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

24. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

25. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

26. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

27. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

28. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

29. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

#### **FACTUAL ALLEGATIONS**

30. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

31. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth

of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

32. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

33. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

34. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

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38. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

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45. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

46. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

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48. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

49. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

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51. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

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of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

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56. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

57. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

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59. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

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64. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

65. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

66. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

67. Defendant Rada denies the allegations asserted against him in this paragraph.

68. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

69. Defendant Rada denies the allegations in this paragraph.

70. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

71. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

72. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

73. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

74. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

75. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

76. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

77. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

78. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth



of the allegations, and on that basis, denies those allegations in this paragraph.

79. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

80. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

81. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

82. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

83. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

84. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

85. Defendant Rada admits the Plaintiff was in the care and custody of the Harris County Jail. Defendant Rada denies the remaining allegations alleged against him in this paragraph.

86. Defendant Rada denies observing prisoners assault Plaintiff and did not intervene. Defendant Rada further denies the allegation that he denied Plaintiff access to medical care. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, and on that basis, denies those allegations in this paragraph.

87. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

88. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

89. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

90. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

91. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

92. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

93. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

94. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis, denies the allegations in this paragraph.

95. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

96. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

97. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

98. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

99. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

100. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth

of the allegations, and on that basis, denies those allegations in this paragraph.

101. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

102. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

103. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

104. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

105. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

106. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

107. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

108. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

109. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

110. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

111. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

112. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

113. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

114. Defendant Rada lacks knowledge or information sufficient to form a belief about the truth of the allegations, and on that basis, denies those allegations in this paragraph.

### **CLAIMS FOR RELIEF**

#### **COUNT I**

##### **Excessive Use of Force under the Fourteenth Amendment and 42 U.S.C. § 1983 Against Defendant Officer Arnoldo Martinez and Defendant Officer Andrew Rada**

115. A response is not required to paragraph 115. However, to the extent a response is deemed necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

116. Defendant Rada denies the allegations in this paragraph.

117. This paragraph contains legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant Rada denies the allegations.

118. Defendant Rada denies the allegations in this paragraph.

119. Defendant Rada denies the allegations in this paragraph.

120. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Rada denies the allegations and denies he is liable to the Plaintiff in damages.

#### **COUNT II**

##### **Excessive Use of Force under the Fourteenth Amendment and 42 U.S.C. § 1983 Against Defendant Officer Arnoldo Martinez**

121. A response is not required to paragraph 121. However, to the extent a response is deemed

necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

122. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

123. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

124. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

125. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

126. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

### **COUNT III**

#### **Excessive Use of Force under the Fourteenth Amendment and 42 U.S.C. § 1983 Against Defendant Harris County (*Monell Liability*)**

127. A response is not required to paragraph 127. However, to the extent a response is deemed necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

128. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

129. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

130. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

131. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

132. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

133. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Rada denies the allegations and denies he is liable to the Plaintiff in damages.

**COUNT IV**  
**Retaliation under the First Amendment and 42 U.S.C. § 1983**  
**Against Defendant Officer Arnoldo Martinez**

134. A response is not required to paragraph 134. However, to the extent a response is deemed necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

135. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

136. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

137. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

138. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

139. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

**COUNT V**  
**Failure to Protect under the Fourteenth Amendment and 42 U.S.C. § 1983**

**Against Defendant Officer Martinez, Defendant Officer Mathews, Defendant Officer Legarde, Defendant Officer Ezeoke, Defendant Officer Thomas, and Defendant Officer John**

140. A response is not required to paragraph 140. However, to the extent a response is deemed necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

141. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

142. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Rada denies the allegations and denies he is liable to the Plaintiff in damages.

**COUNT VI**

**Failure to Protect under the Fourteenth Amendment and 42 U.S.C. § 1983  
Against Defendant Harris County (*Monell* Liability)**

143. A response is not required to paragraph 143. However, to the extent a response is deemed necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

144. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

145. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

146. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

147. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

148. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

149. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

150. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Rada denies the allegations and denies he is liable to the Plaintiff in damages.

#### **COUNT VII**

##### **Unconstitutional Conditions of Confinement under the Fourteenth Amendment and 42 U.S.C. § 1983**

##### **Against Defendant Officer Lozano, Defendant Officer Lagarde, Defendant Officer Hodges, Defendant Offer Rada, and Defendant Officer Martinez**

151. A response is not required to paragraph 151. However, to the extent a response is deemed necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

152. Defendant Rada denies the allegations asserted against him in this paragraph.

153. Defendant Rada denies the allegations in this paragraph.

154. Defendant Rada denies the allegations asserted against him in this paragraph.

155. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Rada denies the allegations.

156. Defendant Rada denies the allegations in this paragraph.

157. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Rada denies the allegations and denies he is liable to the Plaintiff in damages.

#### **COUNT VIII**

##### **Unconstitutional Conditions of Confinement under the Fourteenth Amendment and 42**



**U.S.C. § 1983**  
**Against Defendant Harris County (*Monell Liability*)**

158. A response is not required to paragraph 158. However, to the extent a response is deemed necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

159. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

160. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

161. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

162. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

163. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

164. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Rada denies the allegations and denies he is liable to the Plaintiff in damages.

**COUNT IX**  
**Unconstitutional Indifference under the Fourteenth Amendment and 42 U.S.C. § 1983**  
**Against Defendant Harris County (*Monell Liability*)**

165. A response is not required to paragraph 165. However, to the extent a response is deemed necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

166. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations

are not directed against this defendant.

167. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

168. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

169. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

170. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

171. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

172. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

173. This paragraph contains conclusions of law and of the pleader to which no response is required. To the extent a response is deemed necessary, Defendant Rada denies the allegations and denies he is liable to the Plaintiff in damages.

**COUNT X**  
**Assault and Battery, Texas State Law**  
**Against Defendant Officer Arnoldo Martinez in his individual capacity**

174. A response is not required to paragraph 174. However, to the extent a response is deemed necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

175. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

176. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

177. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

**COUNT XI**  
**Wrongful Death of an Unborn Child, Texas State Law**  
**Against Defendant Officer Arnoldo Martinez in his individual capacity**

178. A response is not required to paragraph 178. However, to the extent a response is deemed necessary, Defendant Rada incorporates his prior responses to this Complaint as if separately set forth.

179. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

180. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

181. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

182. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

183. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

184. Defendant Rada makes no answer to the allegations in this paragraph, as these allegations are not directed against this defendant.

**REQUEST FOR RELIEF**

The Request for Relief paragraphs (1-5) are conclusions of law and of the pleader, and as

such, require no response. To the extent a response is required, Defendant Rada denies he is liable to the Plaintiff in damages.

### **JURY DEMAND**

Defendant Rada admits Plaintiff demanded a trial by jury.

### **AFFIRMATIVE DEFENSES**

Defendant Rada asserts he is entitled to official and/or qualified immunity from suit and from damages because he acted without malice, without an intent to deprive Plaintiff of any clearly established rights, with a reasonable good faith belief that his actions were lawful, proper, and within as well as pursuant to the scope of his discretionary authority, and he did not violate clearly established law of which a reasonable person would have known.

Defendant Rada asserts that Plaintiff's Complaint fails to state a cause of action against Defendant Rada upon which relief may be granted under the Texas Tort Claims Act. Defendant Rada asserts the Plaintiff has failed to state an actionable claim against him, upon which relief may be granted under U.S. Constitution, 42 U.S.C. § 1983 because he is cloaked by official and/or qualified immunity.

Defendant Rada asserts that no deprivation of Plaintiff's state rights and/or federal rights occurred in connection with the incident made the basis of this lawsuit.

Defendant Rada denies all allegations of wrongdoing, including but not limited to violations of common law, statutory and operational standards, negligence, deliberate indifference, and unconstitutional policy or custom.

If Plaintiff was injured or damaged as alleged, such injuries were the result of her own intentional, illegal, or otherwise wrongful conduct.

If the Plaintiff was injured and damaged as alleged in the complaint, such injuries and

damages were the result of her own sole or contributory negligence and/or her assumption of risk.

If the Plaintiff was injured or damaged as alleged in the complaint, such injuries and damages were the result of a person or persons other than Defendant Rada acting within the scope of his employment.

If the Plaintiff was injured or otherwise damaged as alleged in the complaint, such injuries and/or damages were the result of the Plaintiff's sole, joint, or concurring negligence with a person or persons other than the Defendant Rada acting within the scope of employment.

The Plaintiff may have failed to fully comply with the mandatory notice requirement of the Texas Tort Claims Act, Tex. Civ. Prac. & Rem. Code § 101.101.

The Plaintiff may have failed to mitigate damages.

The action may be barred by the statute of limitations.

The Plaintiff may have failed to exhaust her administrative remedies and/or failed to comply with mandatory filing requirements.

The action may be barred by issue or claim preclusion or not yet have accrued.

### **JURY DEMAND**

Defendant Rada requests a trial by jury on all issues so triable.

### **RESERVATION OF RIGHTS**

Defendant Rada reserves the right to rely on any other defenses which may become available through further investigation or discovery, as well as the right to delete any defenses previously raised herein, or to amend any responses to demonstrate that there is no such basis for said defense or response to such allegation.

WHEREFORE, PREMISES CONSIDERED, Andrew Rada requests that Plaintiff take nothing by this suit, that he recovers costs and all other relief that he may be entitled to in law and equity.

Date: April 16, 2025.

Respectfully submitted,

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HARRIS COUNTY ATTORNEY

**JONATHAN G. C. FOMBONNE**  
DEPUTY COUNTY ATTORNEY AND FIRST  
ASSISTANT

**NATALIE G. DELUCA**  
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By: /s/ Gregory Burnett  
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**CERTIFICATE OF SERVICE**

I certify that, pursuant to Federal Rules of Civil Procedure, a true copy of the instrument to which this certificate is attached was filed with the clerk of the court using CM/ECF system, which will send electronic notification for those listed of record who receive electronically filed documents.

/s/ Gregory Burnett  
GREGORY BURNETT